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Congress of the United States
House of Representatives
Washington, DC 20515-4209

September 4, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Barr:

I write today to express my alarm at your recent false statements about mail-in voting on CNN’s “The Situation Room with Wolf Blitzer” on September 2, 2020.¹ The United States is facing multiple crises: an international pandemic that has infected over 6,000,000² Americans and has claimed the lives of 185,000³ of our neighbors, friends, and family; and a national reckoning with systemic racism, especially in law enforcement. Together they point to a failure of our institutions to protect all Americans during the Trump Administration.

In the coming months, we will hold a national election and we must find ways to do it safely and securely. Your responses to questions about voting procedures during the interview– citing bogus evidence – were misleading and harmful. At this moment, we have an opportunity to demonstrate the values that bind us: equality, democracy, and the rule of law. National leaders must encourage an informed and engaged citizenry and ensure, in this difficult time, that the franchise extends to all eligible voters so that our government best embodies the will of the people.

You, however, have taken a different path. By trying to discredit our voting systems and sow doubt in the legitimacy of our elections, you are throwing fuel on the situation you dub “playing with fire.”⁴ The truth is state governments across the country are adopting rules to facilitate voting during the pandemic, including no-fault absentee voting, or what Florida renamed the process in 2016, “Vote-by-Mail.” Further, states are mailing absentee ballot applications to registered voters and extending early voting.

¹ Interview with Att’y Gen. William Barr, *The Situation Room with Wolf Blitzer*, CNN, Sept. 2, 2020
<https://www.cnn.com/videos/politics/2020/09/02/bill-barr-intv-playing-with-fire-absentee-mail-in-voting-election-tsr-sot-vpx.cnn/video/playlists/this-week-in-politics/>

² Ctr. for Disease Control and Prevention, *CDC Covid Data Tracker*, U.S. DEP’T. OF HEALTH AND HUMAN SERV., <https://covid.cdc.gov/covid-data-tracker/#cases> (last visited Sept. 4, 2020).

³ *Id.*

⁴ Interview with Att’y Gen. William Barr, *supra*.

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There are no shadowy forces trying to “change the rules.”⁵ What there is, however, are state governors, secretaries of state, and legislators who understand the importance of democracy and the danger of the Coronavirus. These elected state officials are doing their best to ensure every eligible American citizen can cast a meaningful ballot. The only ones playing with fire and trying to torch American democracy are Donald Trump and you.

You have repeatedly claimed “substantial fraud”⁶ in voting-by-mail, though you have also admitted you have no evidence to support this claim. Rather, you allege your statements are based on logic. When you claim logic while actively disregarding pertinent evidence, that is just trying to justify a lie.

As evidence, you pointed to a 2009 study chaired by former President Jimmy Carter and former Secretary of State James Baker. I believe you were referencing *Building Confidence in U.S. Elections*, the Report of the Commission on Federal Election Reform published in 2005. That report did not, as you say, find “that a mail-in voting is fraught with the risk of fraud and coercion.”⁷ Rather the report found that absentee ballots are the largest source for potential fraud -- not that such fraud was common -- which it isn't. In fact, the Commission cited Oregon, which votes entirely by mail, as a model for effective elections finding Oregon “appears to have avoided significant fraud in its vote by mail elections by introducing safeguards to protect ballot integrity, including signature verification.”⁸ The lesson from the Commission is the exact opposite of what you claim: with proper safeguards, voting-by-mail can be a safe and effective way to administer election. In response to your distortion, President Carter himself clarified saying, “I approve the use of absentee ballots and have been using them for more than five years.”⁹

Further grasping for anything that would support your position, you referenced a case in Texas saying: “For example, we indicted someone in Texas, 1,700 ballots collected, he – from people who could vote, he made them out and voted for the person he wanted to.”¹⁰ According to the prosecutor in that case, “That’s not what happened at all,” and your Department admitted as much.¹¹ There was no federal indictment for such a crime. The state investigation and prosecution you seemed to be alluding to “didn’t find any evidence of widespread voter fraud, and instead [found] the ballots that were returned were consistent with the voter’s choice.”¹² Your dishonest attempts to discredit our voting systems with phony allegations of fraud are dangerous and disgraceful.

Just as troubling, when confronted with President Trump’s recent suggestion that voters vote twice, saying “Let them [voters] send it [a mail-in ballot] in and let them go vote [on election day],”¹³ you refused to clarify that voters may only vote once. Instead you responded saying, “I don't know what the law in the particular state says.”¹⁴ The suggestion that there may be states that allow voters to vote twice, or at least

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Commission on Federal Election Reform, *Building Confidence in U.S. Elections*, Sept. 2005, at 35, <https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf>

⁹ Caroline Kelly and Gisela Crespo, *Carter affirms safety of mail-in voting after Barr and White House cite him to diminish it*, CNN, Sept. 4, 2020 <https://www.cnn.com/2020/09/04/politics/carter-vote-by-mail-safety-barr-white-house/index.html>

¹⁰ *Id.*

¹¹ Matt Zapotosky, *Barr claims a man collected 1,700 ballots and filled them out as he pleased. Prosecutors say that’s not what happened.*, WASH. POST, Sept. 3, 2020, https://www.washingtonpost.com/national-security/barr-claims-a-man-collected-1700-ballots-and-filled-them-out-as-he-pleased-prosecutors-say-thats-not-what-happened/2020/09/03/923aafac-ee2e-11ea-ab4e-581edb849379_story.html

¹² *Id.*

¹³ James Oliphant, *Trump encourages supporters to try to vote twice, sparking uproar*, REUTERS, Sept. 3, 2020, <https://www.reuters.com/article/us-usa-election-trump-vote/trump-encourages-supporters-to-try-to-vote-twice-sparking-uproar-idUSKBN25U0KK>

¹⁴ Interview with Att’y Gen. William Barr, *supra*.

attempt to do so, is irresponsible and feeds the potential for voter fraud you say you are trying to prevent. As the Attorney General, you are obligated to uphold our laws, even when politically inconvenient.

It is imperative that American people hear you publicly, directly, and truthfully correct the record with three key points. First, only a few states are mailing ballots to all registered voters, and most of those have used universal vote-by-mail for years. To the extent there are states that are expanding their vote-by-mail programs, most are allowing voters to receive absentee ballots without cause, and as you put it, “absentee ballots are fine.”¹⁵ Second, there are states in our country that have used mail-in-voting for decades, including in the 2016 election. There have been minimal instances of fraud, and no credible allegation of any widespread irregularities that would come anywhere close to raising concerns about the integrity or outcome of an election. There is no evidence that expanding absentee or vote-by-mail programs would decrease the reliability of the election results. Third, attempting to vote twice and encouraging others to do so is illegal. If anyone follows President Trump’s recent invitation to do so and attempts to vote twice – even to test the system – one would be committing voter fraud and could be subject to prosecution and imprisonment.

Given your long-repeated misrepresentations on national television, you must clearly explain to the American people the truth in a similar forum. Should you need a venue to do so, I can arrange for you to testify under oath before my Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Time is of the essence. The American people must know that, as President Lincoln said in an even more perilous time in our nation’s history, ours is a “government of the people, by the people, for the people.”¹⁶

Sincerely,



Steve Cohen
MEMBER OF CONGRESS

¹⁵*Id.*

¹⁶ Abraham Lincoln, Address Delivered at the Dedication of the Cemetery at Gettysburg (Nov. 19, 1863)